

REMARKS

Applicants have provided an affidavit to address the non-compliance of the Information Disclosure Statement filed January 16, 2004 noted by Examiner. The Information Disclosure Statement was determined to be non-compliant with the provisions of 37 CFR §1.98(b) because the non-patent documents were not identified with their publication dates. Upon inquiry by Applicants, it was determined that the product catalogs from which these non-patent documents were copied were no longer available to the Applicants. This being the case, an inquiry was made by telephone to the company, Knobs Unlimited, Inc., the publisher of the catalogs from which these non-patent documents were copied. The results of this inquiry are enclosed herewith in conjunction with the Affidavit of Rainie L. Mills, the person who conducted the telephone inquiry. Applicants hereby stipulate that the dates provided in the Affidavit may be utilized as publication or offer for sale dates for all purposes associated with the examination of this patent application. Applicants hereby provide this Affidavit information to establish compliance of the non-patent references with the requirement of 37 CFR §1.98(b). Therefore, the Information Disclosure Statement originally provided on January 16, 2004 is hereby resubmitted in conjunction with the Affidavit information and is believed to be compliant with the requirements of 37 CFR §1.98(b) and entitled to consideration under 37 CFR §1.97(c). Accordingly, the Information Disclosure Statement with the dates set forth in the Affidavit has been resubmitted for consideration by the Examiner.

The Examiner has objected to the drawings stating that they fail to show the limitations of claim 3. The Examiner has also indicated that Figure 5 is purported to show the limitations, but that it does not show a plurality of ribs nor does it show axially aligned ribs. In this regard, the Examiners attention is drawn to FIGS. 4 and 5 4 which taken together clearly show a plurality of axially aligned ribs (111). As indicated in paragraph 24 of the specification, the plurality of ribs

(111) are aligned parallel to the central axis X which is also clearly indicated in Figs. 4 and 6.

Because the ribs extend axially and are parallel, only the end of the ribs are shown in FIG. 4..

Because these features are shown in FIGS. 4 and 5, Examiners objection to the drawings is hereby respectfully traversed and it is requested that this objection be withdrawn.

Applicant believes that the rejection of claims 1 and 4 under 35 USC § 102(b) in view of US D402,558 (Klima, Jr. et al.) have been obviated by the amendment of claim 1 to also incorporate the limitation that at least one radial lubrication channel must be disposed on at least one of the upper surface and lower surface of the annular thrust washer portion. This feature is clearly not disclosed in Klima Jr., et al. Therefore, Examiners rejection of claims 1 and 4 under 35 USC § 102(b) in view of Klima Jr., et al. is respectfully traversed and it is requested that this rejection be withdrawn.

Claims 1, 2, 4 and 5 are rejected under 35 USC §103(a) in view of US 3,470,711 (Kayser). Examiner has indicated that Kayser shows an elastomeric lubrication retention and bearing component which (among other elements) includes an annular thrust washer portion which Examiner has indicated is nominally shown by reference character 47A. However, as is clearly indicated in Kayser at column 3, lines 49-54, the thrust surfaces are actually located on the end of trunion 14 (thrust surface 25) and on transverse wall 22 (radially inner surface 26). Taken together with Fig. 2, wherein it may be seen that thrust surface 26 does not contact upper portion 47A of valve 46, it may also be seen that valve 46 does not have an annular thrust washer portion as Examiner has asserted because it does not contact radially inner (thrust) surface 26 on transverse wall 22. This being the case, Kayser clearly does not include all of the required elements of Applicants invention, and thus may not properly form the basis for an obviousness rejection under 35 USC § 103(a). Further, the valve 46 shown in Kayser has a central section 48 which is normally closed (being the valve mechanism) as compared to the open ended configuration of the cylindrical element 108B described

and illustrated with respect to Applicant's invention. Thus, valve 46 fails in another respect to include all of the required elements of applicant's invention and may not properly constitute a basis for rejection under 35 USC §103(a). Additionally, there are differences regarding the cylindrical shape of the cylindrical element 108B of Applicant's invention versus the central section 48 of Kayser that Applicant also distinguish Applicant's invention from that of Kayser, such that these elements are not equivalents of one another as asserted by Examiner. However, since Kayser does not include all of the required elements of Applicant's invention as described above, particularly the thrust washer portion, the question of whether these elements are recognized equivalents is moot. Since Kayser does not disclose all of the required elements of Applicant's invention as set forth in amended claim 1, the rejection of claims 1, 2, 4 and 5 under 35 USC § 103(a) in view of this reference is improper, and the rejection thereunder is hereby respectfully traversed and it is requested that this rejection be withdrawn.

The rationale provided above with respect to Kayser is equally applicable to the rejection of claim 3 under 35 USC § 103(a) over Kayser in view of US 6,827,649 (Menosky). Since Kayser does not include all of the required elements of Applicant's invention as set forth in amended claim 1 as described above, the further combination of Menosky which also does not include these elements does not provide a sufficient basis for the rejection of claim 3 for the same reasons set forth above with respect to Kayser alone. Therefore, the rejection of claim 3 under 35 USC § 103(a) over Kayser in view of Menosky is improper, and the rejection thereunder is hereby respectfully traversed and it is requested that this rejection be withdrawn.

Reconsideration of this application as amended is respectfully requested.

It is believed that this application now is in condition for allowance. Further and favorable action is requested.

This Amendment is being filed with a one month extension of time. The due date of October 15, 2005 fell on a Saturday, so this submission on October 17, 2005 is considered timely. The Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 06-0420.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.



Edmund P. Anderson, Registration No. 34,764
39400 Woodward Avenue, Suite #101
Bloomfield Hills, Michigan 48304-5151
(248) 723-0370

10/17/2005
Date